



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,158	08/25/2003	Kenneth MC Cheung	V0690.0008/P008	3550
7590 02/04/2008				
Charles E. M DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 41st Floor 1177 Avenue of the Americas New York, NY 10036-2714		EXAMINER SHAFFER, RICHARD R		
		ART UNIT PAPER NUMBER		
		3733		
		MAIL DATE DELIVERY MODE		
		02/04/2008 PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	<b>Application No.</b> 10/648,158	<b>Applicant(s)</b> CHEUNG ET AL.	
	<b>Examiner</b> Richard Shaffer	<b>Art Unit</b> 3733	

All participants (applicant, applicant's representative, PTO personnel):

(1) Richard Shaffer.

(3) Hua Gao.

(2) Eduardo Robert.

(4) Kenneth Cheung; Kelvin Yeung.

Date of Interview: 30 January 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 20 and 36.

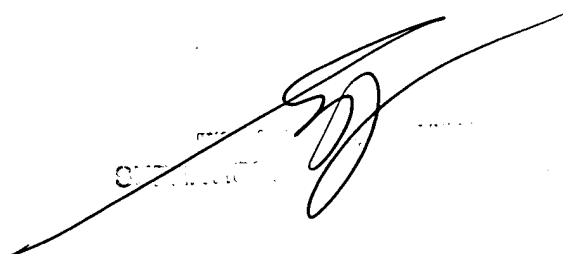
Identification of prior art discussed: Cool (EP 0 470 660 A1); Sanders et al (US Patent 5,290,289); Drewry et al (US Patent 6,783,527).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



*Richard Shaffer*

Richard Shaffer  
January 30<sup>th</sup>, 2008

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The inventors along with their representative, Hua Gao, contacted the Office to discuss the claims in the amendment filed on January 14th, 2008. Specifically, claims 20 and 36 were discussed in relation to the art previously deemed to anticipate the claimed invention. It was noted that the limitation "without" in claims 20 and 36 would be considered to be a 35 U.S.C. 112, first paragraph issue since the specification states that an external heating source is an option along with the claim as currently written could include the body's own heat as an "external heating source." Further, the use of "superelastic" as an adjective to material is insufficient in itself to require specific properties of the material, a recommendation was to include the particular phase of the molecules. It was informed that no 35 U.S.C. 112 issues are present in regard to the limitation "a transition temperature within the range of body temperature" as it was originally filed in the case in regard to the device itself. Applicant was also encouraged to better define the body because as currently written, all the claim requires is "body temperature," not even the body the device is placed within (which itself isn't recited). Applicant was informed that the numerous corrections required would appear to overcome the three references previously used for anticipation, but would still be relevant for 35 U.S.C. 103(a) analysis. Applicant was also reminded that additional search and consideration would be conducted at the time of a formal written Office Action.